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## FACSIMILE TRANSMITTAL

## TO:

Name: Mail Stop AMENDMENT  
Group Art Unit 3733/Examiner James L. Swinger III

Firm: U.S. Patent &amp; Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/809,149  
Gary Karlin Michelson  
Filed: March 25, 2004METHOD FOR USING ARCUATE DYNAMIC  
LORDOTIC GUARD WITH MOVABLE  
EXTENSIONS FOR CREATING AN  
IMPLANTATION SPACE POSTERIORLY IN  
THE LUMBAR SPINE

Attorney Docket No. 101.0093-02000

Customer No. 22882

Confirmation No.: 7390

## FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 11

Date: November 20, 2006

Confirmation Copy to Follow: NO

## Message:

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$1,020.00 total amount to cover the three-month extension fee is to be charged to Deposit Account No. 50-3726) and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on November 20, 2006.

  
Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0093-02000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson

Serial No: 10/809,149

Filed: March 25, 2004

For: METHOD FOR USING ARCUATE DYNAMIC  
LORDOTIC GUARD WITH MOVEABLE  
EXTENSIONS FOR CREATING AN  
IMPLANTATION SPACE POSTERIORLY IN  
THE LUMBAR SPINE

Confirmation No.: 7390

Art Unit: 3733

Examiner: James L. Swinger III

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NOV 20 2006Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in reply to the Office Action dated May 18, 2006 in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a three-month extension of time to respond to the above office action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	44	-	44	0	LG=\$50 SM=\$25	\$50 \$ 0
INDEPENDENT CLAIMS FEE	1	-	3	0	LG=\$200 SM=\$100	\$200 \$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180	\$ 0
TOTAL						\$ 0

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ The total amount of \$1,020.00 to cover the three-month extension of time fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: November 20, 2006

By: Thomas H. Martin  
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PATENT  
Attorney Docket No. 101.0093-02000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 20 2006

In re Application of:	)	Confirmation No.: 7390
Gary Karlin Michelson, M.D.	)	
Serial No.: 10/809,149	)	Group Art Unit: 3733
Filed: March 25, 2004	)	Examiner: James L. Swinger III
For: METHOD FOR USING ARCUATE	)	
DYNAMIC LORDOTIC GUARD	)	
WITH MOVEABLE EXTENSIONS	)	
FOR CREATING AN	)	
IMPLANTATION SPACE	)	
POSTERIORLY IN THE	)	
LUMBAR SPINE	)	

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT**

In reply to the Office Action dated May 18, 2006, the period for reply having been extended for three months by a request for extension and fee payment filed concurrently herewith, please amend the application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 7 of this paper.

11/21/2006 HLE333 00000081 503726 10809149

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Amendment 11-20-06.doc

PAGE 4/11 \* RCVD AT 11/20/2006 3:18:53 PM [Eastern Standard Time] \* SVR:USPTO-EFEXRF-5/16 \* DNIS:2738300 \* CSID:3308772030 \* DURATION (mm-ss):02-06

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